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USDOC FOR 532/OEA/M. NICKSON-D/JAY HATFIELD
USDOC FOR 3131/USFCS/OIO/ANESA/KREISL
USDOC FOR 4530/MAC/ANESA/OSA
ICE HQ FOR STRATEGIC INVESTIGATIONS
STATE FOR EB/ESP

E.O. 12958: N/A

TAGS: BEXP ETRD ETTC IN

SUBJECT: EXTRANCHECK: POST-SHIPMENT VERIFICATION: TECH MAHINDRA
LIMITED (ECCN: 5A002).

REF: USDOC 02676

¶1. Unauthorized disclosure of the information provided below is prohibited by Section 12(c) of the Export Administration Act.

¶2. On May 20, 2008, Export Control Officer (ECO) Paul Cushman and BIS FSN Shailendra Srivastava conducted a Post-Shipment Verification (PSV) at Tech Mahindra Limited, Mumbai.

¶3. BIS requested a PSV at Tech Mahindra Limited (TML), Oberoi Gardens Estate, Mumbai. TML was listed as the ultimate consignee for two ETHERSCOPE Integrated Networking Tools (for LAN/WLAN installation and troubleshooting) manufactured by the Fluke Corporation of Everett, Washington. Export License: No License Required. ECCN: 5A002.

¶4. ECO and FSN Srivastava met with Mr. Sunil Gaud, Assistant Manager and Mr. Shekhar Puntambekar, Offshore Delivery Manager.

¶5. TML representatives were not aware of BIS regulations and this was the first visit by BIS officials to their facility.

¶6. Puntambekar explained that TML develops software applications for Fluke equipment. So, when they begin such a project, Fluke ships the device to them for use as a test bed. This particular project was carried out at the TML facility in Pune. Puntambekar stated that when the project was completed, these devices were sent back to Fluke. Gaud provided copies of documents pertaining to this transaction, including the Outbound Challan (dated 04/18/2008) and Air Waybills (dated 04/21/2008) indicating the devices had been returned to Fluke. ECO compared the serial numbers on the Challan with the Fluke Shipping Invoice and Fluke Packing List (provided by the BIS Office of Enforcement Analysis) and they matched. The destination listed on the Air Waybills was Fluke Networks, 2075 Research Parkway, Colorado Springs, Colorado.

¶7. Established in 1986, Tech Mahindra Limited (formerly known as Mahindra-British Telecom) is a joint venture of Mahindra & Mahindra Limited and British Telecommunications PLC which provides technology and software solutions to the telecommunication manufacturing industry. TML is the second largest telecommunication software developer in India.

¶8. Recommendation: Based upon a review of documents and information provided by Tech Mahindra Limited, it appears that this controlled technology was imported by a legitimate end-user and used in a manner consistent with the Export Administration Regulations. However, because a physical inspection of these items could not be performed and these items were apparently returned to the exporter, this Post-Shipment Verification remains inconclusive.

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